APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,086	02/26/2004	Hidenobu Ito	1341.1192	3499

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/786,086	ITO ET AL.
	Examiner	Art Unit	
	William H. Wood	2193	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 February 2004</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-12</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>26 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☒ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>1/23/08;5/4/04</u>

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-12 are pending and have been examined.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 26 February

2004 and 23 January 2008 have been considered by the examiner.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or
composition of matter, or any new and useful improvement thereof, may obtain a patent
therefor, subject to the conditions and requirements of this title.

Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter. Independent claim 11

encompasses software *per se* without hardware.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or
in public use or on sale in this country, more than one year prior to the date of application for
patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by

Ohkubo et al. (USPN 6,212,677).

Claims 1 and 11-12

Ohkubo discloses a computer program product including computer executable

instructions stored on a computer readable medium, wherein the instructions,

when executed by the computer, cause the computer to perform:

creating structure information that indicates a relation between a

program call structure and data input-output information of the computer

program source code by analyzing a computer program source code *(column 1,*

lines 54-59);

creating process-outline information of the computer program

source code from a part of the structure information *(column 1, lines 59-60)*;

and

creating computer program specifications of the computer

program source code by using the process-outline information *(column 1, lines*

60-61).

Claim 2

Ohkubo discloses the computer program product according to claim 1, wherein

the creating of the process-outline information includes extracting

information of a subroutine of a specific nesting level and data input-output

information of the subroutine *(figure 4)*, and

the creating of the computer program specifications includes using the

information of the subroutine and the data input-output information of the

subroutine *(figure 7, control flow and heading of destination)*.

Claim 3

Ohkubo discloses the computer program product according to claim 2, wherein

the computer program specifications created include a call structure diagram

in a tabular form that has a plurality of columns assigned to respective nesting

levels of subroutines, wherein a name of each subroutine is shown in a column

corresponding to a nesting level of the each subroutine *(figure 5; figure 17 and*

21).

Claim 4

Ohkubo discloses the computer program product according to claim 1, wherein

the creating of the structure information includes creating

structure information that indicates a relation between a program call

structure and a program call condition *(figure 7)*,

the creating of the process-outline information includes creating process-outline information that indicates a relation between a program call structure and a program call condition *(figure 7)*, and

the creating of the computer program specifications includes creating computer program specifications that indicate a relation between a program call structure and a program call condition *(figure 7)*.

Claim 5

Ohkubo discloses the computer program product according to claim 1, wherein the creating the computer program specification further includes

extracting a comment that is added by a user to a predetermined position in the computer program specifications created *(figure 38, code)*; and

adding the comment extracted to a predetermined position in computer program specifications to be created *(column 7, lines 35-37)*.

Claim 6

Ohkubo discloses the computer program product according to claim 1, wherein the instructions further cause the computer to perform:

creating program-outline information of the computer program source code by summarizing statements included in the computer program source code *(figures 17 and 21)*;

creating a program-outline statement in a natural language from the program-outline information *(column 1, line 61)*; and

creating a program-outline document of the computer program source code by using the program-outline sentence *(column 1, line 61)*.

Claim 7

Ohkubo discloses the computer program product according to claim 6, wherein the creating of the program-outline information includes

determining a significance level of data included in the computer program source code *(column 7, lines 54-67, "sec-error")*;

determining a significance level of a statement included in the computer program source code by using the significance level of data *(column 7, lines 54-67, "sec-error", significant enough to be error)*; and

summarizing statements included in the computer program source code by using the significance level of the statement *(column 7, lines 54-67, "sec-error")*.

Claim 8

Ohkubo discloses the computer program product according to claim 1, wherein the instructions further cause the computer to perform:

extracting input-output information of a job step included in a batch job from a batch-job script described in a batch-job script language *(column 1, lines 51-61; figure 2)*;

acquiring input information and output information of the overall batch job based on the input-output information of the job step *(figure 2, S1)*;

specifying a job step at which the information acquired is input or output *(figure 2, S2)*;

extracting information of a computer program called at the job step specified *(figure 2, S3-S7)*; and

creating batch-job process-outline information of the batch job by using the input information specified, the output information specified, and the information of the computer program extracted *(figure 2, S8-S11)*.

Claim 9

Ohkubo discloses the computer program product according to claim 1, wherein the instructions further cause the computer to perform:

creating screen transition information by analyzing screen definitions which define information of a screen *(figure 2, "display"; figure 39)*; and

creating a screen transition diagram by using the screen transition information *(figure 2, "display"; figure 39)*.

Claim 10

Ohkubo discloses the computer program product according to claim 9, wherein

the screen definitions include information of transition between

the screen and a computer program expressed in the computer program

source code, the screen transition information includes information of

transition between the screen and the computer program *(figure 39)*, the

instructions further cause the computer to perform:

creating merge diagram information in which the transition and input-

output of the computer program are merged, by merging the screen transition

information with the structure information *(figure 39)*, wherein

the creating of the screen transition diagram includes creating a diagram

in which the transition and the input-output of the computer program are

merged, by using the merge diagram information *(figure 39)*.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to William H. Wood whose telephone number is (571)-272-3736.
The examiner can normally be reached 10:00am - 4:00pm Tuesday thru Friday.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Lewis A. Bullock Jr. can be reached on (571)-272-3759. The fax phone numbers
for the organization where this application or proceeding is assigned are (571)273-8300 for
regular communications.
Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained form either Private PAIR or Public PAIR. Status information for unpublished
applications is available through Private PAIR only. For more information about the PAIR
systems, see http://pair-direct.uspto.gov. For questions on access to the Private PAIR system,
contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

/William H. Wood/
William H. Wood
Primary Examiner, Art Unit 2193
March 27, 2008